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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W. – Portals
Washington, DC 20554

RE: Application by Verizon New England Inc., et al., for Authorization To Provide In-Region, InterLATA Services in Massachusetts, Docket No. 00-176

Dear Ms. Salas:

Yesterday, T. Tauke, M. Glover and E. Young of Verizon met with Commissioner Ness and J. Goldstein to discuss the enclosed DSL issues in the above docket. Please let me know if you have any questions. The twenty-page limit does not apply as set forth in DA 00-2159.

Sincerely,



Enclosures

cc: E. Einhorn
J. Goldstein
S. Pie

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List ABCDE

DSL MEASURES

MEASURES	PERFORMANCE
<p>Pre-Order</p> <p>1) Pre-Qualification – Mechanized (PO-1-06) 2) Pre-Qualification – Manual</p>	<p>1) Parity 2) 96 to 98%</p>
<p>Order Processing</p> <p>3) Order Confirmation Timeliness (OR-1-04) 4) Reject Timeliness (OR-2-04)</p>	<p>3) 97% or better 4) 97% or better</p>
<p>Installation Timeliness</p> <p>5) PAP % Completed On-Time 6) C2C % Completed On-Time</p> <p>7) % Missed Appointments – VZ – Dispatch (PR-4-04) 8) % Missed Appointments – VZ – No Dispatch (PR-4-05) 9) Avg. Interval Completed – No Dispatch (PR-2-01) 10) Avg. Interval Completed – Dispatch (PR-2-02) 11) % Completed in 6 Days (PR-3-10)</p>	<p>5) 95% or better in June and July 6) 92% or better in June and July; August and September data impacted by strike 7) Three month average shows 3% missed appointments; August and September data impacted by strike 8) Low CLEC Volumes 9) Three and five month weighted averages demonstrate parity 10) Three and five month weighted averages demonstrate parity 11) Flawed measure further skewed by CLEC behavior</p>
<p>Loop Quality</p> <p>12) Total Troubles (DSL to DSL) 13) % Installation Troubles Reported w/in 30 Days (PR-6-01) 14) % Repeat Reports w/in 30 Days (MR-5-01)</p>	<p>12) June through September average demonstrates parity 13) CLEC behavior skews results; adjusted performance good 14) Repeat troubles lower for CLECs every month between May and September</p>
<p>Maintenance and Repair</p> <p>15) % Missed Repair Appointment – Loop (MR-3-01) 16) Mean Time to Repair - Total (MR-4-01)</p>	<p>15) Performance good May through September 16) CLEC behavior skews results; CLEC MTTR has decreased substantially since May; adjusted performance good</p>

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Edward D. Young III
Senior Vice President
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December 1, 2000

Honorable William E Kennard
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Kennard:

Verizon's checklist performance in Massachusetts is excellent, and our application to provide long distance should be approved.

As the record here makes clear, there is no serious dispute that Verizon satisfies at least 13 and one-half points of the 14 point checklist. The principal debate in this proceeding has been whether Verizon's performance on one subset of one checklist item -- unbundled loops used to provide xDSL service -- also satisfies the checklist. It does.

To put the issue in context, DSL loops are a minority of the unbundled loops that our carrier-customers have purchased in Massachusetts, and a minority of the unbundled loops that are being added on a monthly basis.¹ This does not mean that we don't take seriously our obligation to provide excellent service to customers who purchase DSL loops. We do. But it does highlight the limited scope of the debate.

In any event, Verizon's performance on this final subset of loops that are used to provide DSL is strong. This is precisely the conclusion of the Massachusetts DTE based on its own exhaustive review: "VZ-MA is performing as a wholesale provider should. It gives CLEC customers the service they request."² It also is the conclusion echoed by our carrier-customers outside of

¹ Verizon Application, Lacouture/Ruesterholz Decl. ¶¶ 66, 95; November 17, 2000 letter to Ms. Salas from Ms. May.

² DTE Eval. at 306.

regulatory forums. As the CEO of Covad publicly acknowledged, his company was "getting great results" from Verizon: "I will give [Verizon] a lot of credit. They have done a wonderful job. I would highly commend Ivan Seidenberg's organization for really stepping up."³

The record here shows that those conclusions are abundantly justified. As the evidence considered by the DTE and timely filed in this proceeding demonstrates,⁴ Verizon's DSL loop performance in each of the areas that the Commission has examined in its previous orders is strong.

A. Pre-Order Timeliness

In Massachusetts, Verizon provides carriers with the same access to loop pre-qualification information that the Commission concluded satisfied the checklist in its *New York Order*, and does so in a timely manner.⁵ In fact, as we demonstrated in our application, Verizon responds to queries to our electronic pre-qualification database well within the parity standard established by the DTE of plus or minus four seconds.⁶ And Verizon responds to requests to perform manual loop pre-qualifications within the time frame established by the DTE more than 96 percent of the time.⁷

Moreover, although we do not believe we are required to do so, we also have voluntarily offered to provide other carriers with electronic access to back office inventory systems that contain limited additional loop information, provided only that they reimburse the developmental costs we incur from the third party

³ Transcript of Covad's 2000 First Quarter Earnings Release Conference Call at 29-30 (Apr. 18, 2000); Interview with Robert Knowling Jr. on RadioWallStreet.Com at 6 (Oct. 6, 2000).

⁴ Some parties have claimed that the DSL data upon which we urge the Commission to rely was not timely filed in this proceeding. As the cites throughout this document indicate, the DSL performance data upon which we rely were timely filed, either in our initial application or in response to comments.

⁵ Verizon Application, Lacouture/Ruesterholz Decl. ¶¶ 96, 108-110.

⁶ Verizon Application, Guerard/Canny Decl. Att. G.; Verizon Reply, Guerard/Canny Reply Decl. Att D.

⁷ Verizon Application, Guerard/Canny Decl. Att. G.

vendor. To date, however, none of the carriers has indicated whether it wants us to proceed.⁸

A. Order Processing Timeliness

Verizon's performance in processing DSL orders submitted by our carrier-customers is excellent. In fact, as we demonstrated in our application, Verizon's timeliness of returning firm order confirmations consistently is 97 percent or better. And Verizon's timeliness of returning reject notices consistently is more than 96 percent.⁹

B. Installation Timeliness

Verizon also installs unbundled DSL loops on time, as demonstrated by several different measures of our performance that have been validated by the Massachusetts DTE. Based on this extensive evidence, the DTE has confirmed that Verizon "gives CLEC customers the service they request."¹⁰

First, as demonstrated in our application, the on-time measurements adopted by the DTE for use in the Performance Assurance Plan (PAP) show that Verizon installs more than 95 percent of new DSL loops on time under normal operating conditions.¹¹ The PAP measures are the best measure of Verizon's on-time performance for two reasons. First, the PAP measures focus specifically on Verizon's performance installing new DSL loops. Second, the PAP measures exclude orders that are missed because of a lack of facilities. Both the Massachusetts and New York commissions have concluded that these orders should be excluded so that Verizon can try to find or free up other facilities in order to accommodate its carrier-customers rather than simply reject the orders as it is entitled to do.¹²

⁸ Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶ 83.

⁹ Verizon Application, Guerard/Canny Decl., Att. E; Verizon Reply, Guerard/Canny Reply Decl. Att. D.

¹⁰ DTE Eval. at 306.

¹¹ Verizon Application, Lacouture/Ruesterholz Decl. ¶ 96; Verizon Application, Guerard/Canny Decl. Att. M.

¹² Verizon Application, Lacouture/Ruesterholz Decl. ¶ 96-98; Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶ 57.

Second, Verizon's strong performance is confirmed by the on-time measures included in the carrier-to-carrier reports. Unlike the PAP measures, the carrier-to-carrier measures do not exclude orders missed for facilities reasons. As demonstrated in the application, Verizon nonetheless completed 92 percent or more of DSL loop orders on time under this alternative measure.¹³

Third, Verizon's strong performance is further confirmed by the missed installation appointment measure included in the carrier-to-carrier reports. The reports included in our application demonstrated that Verizon meets approximately 96 percent of our installation appointments for dispatch orders, which make up the overwhelming majority of the orders submitted by our carrier-customers.¹⁴ This is a broad measure of Verizon's on-time performance because it is not limited just to new loops, but includes all DSL-related orders (such as disconnects and port changes).

Fourth, the performance reports in Verizon's application demonstrated that the weighted average completion intervals for unbundled DSL loops are virtually identical to the same interval for Verizon's retail DSL service. In fact, the intervals are essentially the same when dispatch orders are compared to dispatch orders (7.26 days versus 7.29 days). And the intervals for wholesale orders are actually shorter when non-dispatch orders are compared to non-dispatch orders (4.89 days versus 5.6 days).¹⁵

In its application here, Verizon demonstrated that the reported results for these measures showed that Verizon installs loops on time under normal operating conditions. Of course, the reported performance results for August and September – which post-date the application because they were not yet available at the time of the filing -- necessarily were affected by the work stoppage that occurred in August and the related recovery period. In particular, Verizon suspended installation work requiring a dispatch, and instead focused available work forces on maintenance and repair for existing customers, both wholesale and retail. As a

¹³ Verizon Application, Guerard/Canny Decl., Att. E.

¹⁴ Verizon Application, Gueard/ Canny Decl. Att. E; Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶¶ 58-59;

¹⁵ Verizon Application, Lacouture/Ruesterholz Decl. ¶ 99; Verizon Application, Gueard/ Canny Decl. Att. E.

result, the work stoppage had the largest impact on installation measures for dispatch orders.¹⁶

The work stoppage had a disproportionately large impact on the reported results for wholesale orders in the month of August. Ironically, the reason for this is that Verizon went to great lengths to provide our carrier-customers with *better* service during the recovery period than we provided for our retail customers. We did so by completing *more* strike-delayed wholesale orders in the last two weeks of August than we did retail orders. Because these orders are recorded as misses in the month that they are completed, the fact that we completed the strike-affected wholesale orders faster actually caused the reported results for August to include more misses and appear worse.¹⁷ By September, however, the reported rate of missed wholesale and retail orders already were once again roughly comparable, though at slightly elevated levels as remaining strike-affected orders worked through the system.¹⁸ Based on Verizon's strong performance during the strike and the subsequent recovery period, Covad's CEO publicly acknowledged: "I will give them a lot of credit. They have done a wonderful job. . . . And it has been surprising how well they have rebounded in terms of meeting service expectation for me."¹⁹

Finally, one interval measure that Verizon was required to report for the first time in July is fundamentally flawed and does not accurately reflect Verizon's installation performance. This measure was intended to reflect the percentage of DSL loop orders completed within 6 days. In practice, however, the measure was defined in such a way that it included only a small subset of DSL loop orders, included orders that had not been pre-qualified (and that have an installation interval of 9 days rather than 6 days), included orders missed for facilities reasons, and the reported results included orders for which our carrier-customers had requested an interval of longer than 6 days. It also compared Verizon's

¹⁶ Verizon Application, Lacouture/Ruesterholz Decl. ¶311; Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶¶ 176, 182-186.

¹⁷ Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶ 191; Verizon Reply, Guerard/Canny Reply Decl. ¶ 17-20; Verizon Reply, Guerard/Canny Reply Decl. Atts. B, D.

¹⁸ Verizon Reply, Guerard/Canny Reply Decl. ¶ 21; Verizon Reply, Guerard/Canny Reply Decl. Atts. B, D.

¹⁹ Interview with Robert Knowling Jr. on RadioWallStreet.Com at 6 (Oct. 6, 2000).

performance on unbundled DSL loops to a retail analog (second POTS lines) that frequently has an installation interval of only 5 days.²⁰

These are precisely the types of factors that the Commission previously has held should be taken into account in evaluating reported results, and caused it to recognize that interval measures such as this one can be "flawed" because they are affected by "factors outside of [Verizon's] control and unrelated to the timeliness and quality of [Verizon's] provisioning."²¹ And it is because of these same problems that the CLECs participating in the carrier-to-carrier collaborative have now agreed to recommend that this measure be fundamentally changed in an effort to more accurately reflect Verizon's performance.

C. Loop Quality

Verizon also provides unbundled loops to our carrier-customers that are equal in quality to the loops we use for our retail services. The best measure of overall DSL loop quality is the total trouble report rate on unbundled DSL loops compared to Verizon's own DSL service. The record here shows that the total trouble report rate for wholesale and retail DSL over a four-month period is virtually identical (3.27 versus 3.3 trouble reports per month for each 100 lines in service).²²

While the reported results for one subset of total trouble reports – those reported within 30 days of installation (so-called "I-codes") – reflect a difference between wholesale and retail, we demonstrated before the DTE and in our application here that these reported results do not reflect Verizon's performance.²³ This measure was originally intended as an indicator of Verizon's ability to deliver working loops. But it no longer serves that purpose. On the contrary, the vast majority of DSL loops on which carriers submit I-codes – some 70 percent or more – have undergone cooperative acceptance testing during which our carrier-

²⁰ Verizon Application, Lacouture/Ruesterholz Decl. ¶ 100; Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶¶ 61-65.

²¹ New York Order ¶ 202.

²² November 14, 2000 letter to Ms. Salas from Ms. May; December 1, 2000 letter to Ms. Salas from Ms. May.

²³ Verizon Application, App. B. Tab 565, at 5634; Verizon Application, App. B. Tab 520, at 2553-2555; Verizon Application, Lacouture/Ruesterholz Decl. ¶ 104 & Att. L; Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶ 66 & Att. F; Verizon Reply, Gertner/Bamberger Reply Decl. ¶ 25.

customer tested the loop itself and provided a serial number to Verizon certifying that the loop was working.²⁴

As a result, this measurement now serves as a measure of the accuracy of the acceptance testing performed by our customer, rather than a measure of Verizon's performance. And because the types of troubles that are being reported as I-codes are ones that properly performed acceptance testing would have revealed, what this measure shows is that carriers are accepting loops that are not suitable for DSL service. Indeed, carriers conceded in their testimony before the DTE that they are doing so intentionally in many cases to take advantage of the fact that Verizon will undertake Herculean efforts to rebuild or replace even loops that are not suitable for DSL in order to accommodate our customers.²⁵ And these carriers have acknowledged that, in other instances, their use of inexperienced technicians causes post-installation troubles to be reported for problems that should have been discovered during acceptance testing.

Consequently, based on its own record on the subject, the DTE concluded that it could "not accord a significant amount of weight to this metric."²⁶ As we demonstrated, however, adjusting the reported results merely by excluding those loops that experience problems that clearly should have been revealed during acceptance testing produces I-code rates that are virtually identical for wholesale and retail orders.²⁷

Finally, the record before the DTE and here demonstrates that the rate of repeat trouble reports within 30 days consistently is lower for our wholesale customers than for retail.²⁸ As the DTE concluded based upon its review, "[t]his metric demonstrates that once CLECs receive loops that are appropriate for xDSL service, they experience fewer problems than VZ-MA."²⁹

²⁴ Verizon Application, Lacouture/Ruesterholz Decl ¶ 104 & Att. L.

²⁵ Verizon Application, App. B. Tab 233, at 3247; Verizon Application, App. B. Tab 462, at Szafraniec/Katzman Decl ¶ 65; Verizon Application, App. B. Tab 233, at 3248.

²⁶ DTE Eval. at 313-314.

²⁷ Verizon Reply, Lacouture/Ruesterholz Reply Decl. & 66.

²⁸ Verizon Application, App. B, Tab 446; Verizon Application, App. B, Tab 537; Verizon Application, Guerard/Canny Decl. Att. E.

²⁹ DTE Eval. at 321.

D. Maintenance and Repair

As the DTE concluded, Verizon also "provides maintenance and repair for CLEC xDSL loops in substantially the same time and manner as it does for its retail customers."³⁰

The best indicator of Verizon's maintenance and repair performance is its timeliness in meeting its repair appointments. As the reported results in the record here demonstrate, Verizon's performance in meeting repair appointments for our wholesale customers is in parity with retail, and is better than retail in recent months.³¹

In contrast, reported results for the comparative intervals to complete repairs, such as the mean time to repair measure, are influenced by a number of aspects of CLECs' own behavior. This is no different from the types of factors that the Commission has found must be taken into account in evaluating other interval measures. For example, based on its own investigation, the DTE found that Verizon's "maintenance and repair performance is hindered by" factors such as the "CLECs' inability to identify the source of the trouble," "the propensity of some CLECs to accept loops they concede are unable to support xDSL service, absent additional work by VZ-MA technicians," and "the preference for Monday and not weekend repair appointments."³² Significantly, the record here demonstrates that adjusting for just the latter two factors identified by the DTE shows that the average mean time to repair for our wholesale customers is in parity with retail.³³ And this adjustment is necessary because, as the DTE explained, "ascribing the consequence of a CLEC business decision to a purported VZ-MA failure appears unwarranted."³⁴

³⁰ DTE Eval. at 322.

³¹ Verizon Application, Guerard/Canny Decl. Att. E; Verizon Reply, Guerard/Canny Reply Decl. Att. D.

³² DTE Eval. at 320.

³³ Verizon Reply, Lacouture/Ruesterholz Reply Decl. ¶ 73.

³⁴ DTE Reply at 80.

Further, Verizon has been working diligently with our carrier-customers to help them understand the impact of their own business practices and to ensure that we provide excellent performance to these customers. For example, by doing so, Verizon has succeeded in consistently reducing the mean time to repair for our wholesale customers, and has reduced the interval by some 30 percent since the beginning of the summer.³⁵

³⁵ Verizon Application, Guerard/Canny Decl. Att. E; November 30, 2000 letter to Ms. Salas from Ms. May.

Conclusion

The overwhelming weight of the evidence here demonstrates that Verizon satisfies its obligations with respect to unbundled DSL loops. As summarized in the list attached:

The record before the DTE and here shows that Verizon's performance under normal operating conditions is seriously disputed with respect to only 3 of 16 separate measures in the substantive areas that the Commission previously examined for unbundled DSL loops.

One of those three measures is flawed and consensus has been reached through the carrier-to-carrier collaborative process that it should be revamped in an effort to more accurately reflect actual performance.

The reported results for the final 2 measures are affected by the CLECs' own business practices, as the DTE confirmed based on its review of "VZ-MA's justifications for its performance data [that] were addressed in its May and August, 2000, filings and during the August technical sessions."³⁶ And the adjusted results for these final two measures also demonstrate parity.

In addition, Verizon's separate data affiliate is now fully operational in Massachusetts, well ahead of the schedule that it is required to be. As the Commission has concluded, this will provide still "further assurance that competing carriers . . . will [continue] to have non-discriminatory access to xDSL-capable loops." It also will help to resolve the problem created by the fact that existing performance measures do not provide an apples-to-apples comparison. This is true because unbundled loops are fundamentally different from Verizon's retail DSL service (which is really line sharing), and are technically and operationally more complicated to provide. But the fact that, going forward, both Verizon's separate data affiliate and other carriers will be submitting line sharing orders (and use the same systems to do so) will, for the first time, permit a direct apples to apples comparison.

Finally, Verizon will continue to provide excellent service going forward. As an initial matter, it is strongly in our business interest to do so in order to avoid losing wholesale revenues if consumers were to switch to cable modem providers. Moreover, the Performance Assurance Plan adopted by the DTE provides

³⁶ DTE Reply at 61-62.

additional incentives to continue to provide excellent performance on DSL loops. Indeed, the Plan already includes DSL loop measures. Additional DSL measures are being added in the ongoing review by the New York PSC, and the DTE has said it will incorporate additional measures adopted there into the Massachusetts Plan. The DTE also has decided to make DSL a separate mode of entry under the Massachusetts Plan. Each of these changes will further increase the amount of dollars at risk specifically because of DSL performance.

For all these reasons, our application should be granted now.

Sincerely,

Edward D. Young, III

INDEX TO DSL EVIDENCE

<i>What VZ demonstrated to the DTE</i>	<i>What the DTE found</i>	<i>What VZ demonstrated to the FCC</i>
A. Installation Timeliness		
1. Verizon demonstrated that it is providing xDSL loops to CLECs on time.		
<p>Verizon demonstrated that, in first quarter 2000, its on-time performance for xDSL loops reached 96 percent for completed orders (i.e., excluding no-access and no-facilities situations) using data that was collected following the same parameters as are used in the Performance Assurance Plan (PAP). App. B, Tab 423, at Checklist Aff. ¶ 103.</p> <p>Verizon demonstrated that, from March through June 2000, its on-time performance exceeded 96 percent for completed orders using data that was collected following the same parameters as are used in the PAP. App. B, Tab 494, at Checklist Aff. ¶ 96.</p> <p>Verizon demonstrated that this strong on-time performance continued in July 2000. App. B, Tab 552.</p>	<p>“VZ-MA is performing as a wholesale provider should. It gives CLEC customers the service they request.” DTE Eval. at 306.</p> <p>“The more experience VZ-MA gains, the better its performance becomes.” DTE Eval. at 305.</p> <p>“[Verizon’s] provisioning intervals, for both its retail ADSL service and the service it provides to CLECs, are decreasing, as are the percentage of missed installation appointments.” DTE Eval. at 305.</p> <p>“We affirm our findings contained in our Evaluation: VZ-MA provisions xDSL loops to CLECs when CLECs request them.” DTE Reply at 74.</p>	<p>Verizon demonstrated in its application that, during June and July, its on-time performance for DSL loops met or exceeded 95 percent in each of the separate reporting categories included in the PAP. Application at 18; L/R ¶ 96; G/C Att. M.</p> <p>Verizon submitted C2C reports demonstrating that, from May through July, Verizon met between 96 and 97 percent of its appointments for all xDSL loop orders. G/C Att. E.</p> <p>Verizon again pointed to this strong on-time performance in its Reply Comments. Reply Comments at 6; L/R Reply ¶ 57.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p>Verizon demonstrated that it provides CLECs with the due dates they request. Verizon conducted a study of approximately 3,000 June orders for two-wire digital and DSL loops and found that almost all of these orders received the date that was requested or that is set forth in the C2C guidelines. App. B, Tab 520, at 2527-2528 (old numbering); App. B, Tab 565, at 5632 (old numbering).</p>	<p>“CLECs receive their requested xDSL provisioning interval approximately 99 percent of the time.” DTE Eval. at 306.</p>	<p>Verizon demonstrated in its application that, in June 2000, the average interval offered for pre-qualified wholesale xDSL orders was at parity with retail. It also demonstrated that, in July, there was less than one-third of a day difference, which is smaller than the half-day difference the Commission found was not competitively significant in New York. Verizon further demonstrated that the average intervals offered for loops that required qualification in June and July were well within the 9-day interval for such loops. G/C ¶¶ 79, 81 & Att. K.</p>

		Verizon also filed in its application all the evidence that was included in the state record.
<p>Verizon provided CLEC-specific data to verify its on-time performance:</p> <p>∃ Verizon submitted evidence of a DTE-supervised data reconciliation of Covad's orders from February 7-11, 2000, which found that Verizon timely completed 92 percent of Covad orders once orders that Covad incorrectly ascribed as Verizon misses were properly excluded. App. B, Tab 423, at Checklist Aff. ¶ 207.</p> <p>∃ Verizon also demonstrated that its on-time performance for Covad's xDSL loops improved every month from October 1999 to March 2000 under the measurements used in the C2C performance reports. App. B, Tab 423, at Checklist Aff. ¶ 207.</p> <p>∃ In response to a DTE Information Request, Verizon provided CLEC-specific data for missed appointment measurement from October 1999 to February 2000 for UNE Complex Services. App. B, Tab 443 (response to Information Request DTE 5-13) (proprietary).</p>	<p>∃ "Earlier this year, the Department oversaw a data reconciliation between VZ-MA and Covad for 132 of Covad's orders completed between February 7-11, 2000. The carriers agreed that 116 of the orders were completed on time. In addition, through this reconciliation, it was determined that six orders scored as 'misses' should have been counted as 'met,' increasing VZ-MA's on-time performance to 92 percent." DTE Eval. at 308-309.</p> <p>∃ "[W]e do not consider Covad's data to demonstrate poor provisioning performance." DTE Eval. at 308.</p> <p>∃ "Until we read Covad's FCC comments, we were unaware that this lack of CLEC-specific data posed a hindrance to Covad because Covad never raised this issue during our proceeding. Indeed, the only requests made to VZ-MA for CLEC-specific non-hot cut loops during this year's § 271 proceeding came from the Department; and we heard nothing about the matter from Covad until its October 16 comments." DTE Reply at 70 & n.231.</p> <p>"Neither Covad nor Rhythms mentioned any VZ-MA refusal to provide CLEC-specific data in our § 271 proceeding (or in any other Department proceeding)." DTE Reply at 75.</p>	Verizon filed in its application all the evidence that was included in the state record.

<p>∃ Verizon demonstrated that, from October 1999 through March 2000, it met 94.2 percent of its installation appointments for Vitts, and that in March Verizon met nearly 98 percent of its appointments for Vitts. App. B, Tab 423, at Checklist Aff. ¶ 210.</p> <p>∃ Verizon demonstrated that, in March 2000, its on-time performance for Rhythms increased to more than 95 percent despite a big increase in order volume. App. B, Tab 432, at Checklist Aff. ¶ 211.</p>	<p>∃ “Vitts has not contested VZ-MA’s performance this year.” DTE Eval. at 301.</p> <p>∃ “VZ-MA reviewed Rhythms’ claims and noted that its C2C Guidelines data for Rhythms indicate that its percentage of missed appointments dropped from over 21 percent in October, 1999, to 4.73 percent in March, despite a tenfold increase in Rhythms’ orders.” DTE implies that Rhythms dropped these claims, noting that “Covad is the only carrier that continues to make specific claims about VZ-MA’s provisioning performance.” DTE Eval. at 302.</p>	
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2. Verizon demonstrated that it is providing loops in a non-discriminatory manner.

<p>Verizon demonstrated that it is completing pre-qualified xDSL loops at least as quickly as retail orders, even though unbundled loop orders are more complicated to provision:</p> <p>∃ Under the measurements used in the C2C performance reports, Verizon demonstrated that, in second quarter 2000, the average interval offered and average interval completed for xDSL loops was roughly the same for wholesale and retail. App. B, Tab 537.</p>	<p>∃ “VZ-MA’s performance data indicate that it generally provisions xDSL loops for CLECs in approximately the same amount of time that it provisions xDSL loops for its own retail service.” DTE Eval. at 298.</p> <p>Verizon’s “provisioning intervals, for both its retail ADSL service and the service it provides to CLECs, are decreasing.” DTE Eval. at 305.</p> <p>“We affirm our findings contained in our Evaluation: VZ-MA provisions xDSL loops to CLECs when CLECs request them.” DTE Reply at</p>	<p>Verizon demonstrated that, from May through July 2000, the weighted average interval completed for itself and CLECs was at parity. In addition, Verizon submitted evidence in its Application of a study of randomly selected DSL orders from June and July that updated and expanded upon a study in the state proceeding and demonstrated that, for pre-qualified loops, the average offered and completed intervals for wholesale and retail were at parity. Verizon further noted that, because unbundled DSL loops are much more difficult to install than retail DSL service, the fact that performance is comparable for the two services means that CLECs actually receive service that is superior to what Verizon provides itself. Application at 24; G/C ¶ 79-80 & Att. K; L/R ¶ 100-101.</p> <p>Verizon again pointed to this performance in its Reply Comments. Reply Comments at 9-10; L/R</p>
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<p>∃ Verizon conducted a study of 144 randomly selected xDSL-loop orders from January and February 2000. The study found that the average completed interval for these loops was 7.6 days. App. B, Tab 423, at Measurements Aff. ¶ 70. (In January and February 2000, DSL was not separately backed out from other complex services in the C2C reports; Verizon's own average intervals for complex services in January and February were 7.58 days and 8.34 days, respectively. App. B, Tab 424.) In response to a DTE request, Verizon provided supporting documentation for its interval study. App. B, Tab 443 (response to Information Request DTE 5-30).</p>	<p>74.</p> <p>∃ “In response to DOJ’s concern that we may have relied upon a VZ-MA study of POTS lines to support our finding that VZ-MA provisions XdsL loops to CLECs when they request them, we note that in its May measurements affidavit, VZ-MA discussed a study of randomly selected xDSL orders from January and February 2000. The Department requested and received the supporting documentation for this study, which indicates that for xDSL orders requiring a dispatch, CLECs miscoded approximately 30 percent of the orders, CLECs request longer than the stated interval but neglected to code those orders with an ‘X’ instead of a ‘W.’ The Department expects this clarification, which we neglected to make explicit in our Evaluation, will resolve any of the DOJ’s concerns about any inappropriate reliance on VZ-MA’s POTS studies.” DTE Reply at 75-76.</p>	<p>Reply ¶ 58.</p> <p>Verizon also filed in its application all the evidence that was included in the state record.</p>
<p>Verizon demonstrated that interval measures – such as orders completed within 6 days (PR-3-10) – do not accurately measure Verizon’s performance. First, Verizon, noted that the correct interval for CLEC orders that are not prequalified – which make up the bulk of all CLEC DSL loop orders – is nine days, not six. App. B, Tab 565 at 5632 (old numbering). Second, Verizon demonstrated that CLECs often request a longer interval than 6 days, but that CLECs often do not code their orders properly so that interval measures such as PR-3-10 do not capture this fact. App. B, Tab 423, at Measurements Aff. ¶ 70; App. B, Tab 494, at Measurements Aff. ¶ 19. Verizon demonstrated that this coding problem is confirmed by the fact that CLECs are given the intervals they request. App. B, Tab 520, at 2527-2528 (old numbering); App. B, Tab 565, at 5632 (old numbering).</p>	<p>“VZ-MA has testified before the Department that its retail representatives do not use manual loop qualifications or engineering queries, which will add additional time to the process. . . . It is only logical that this added step would increase provisioning intervals for CLECs, thus making it appear that VZ-MA’s performance for CLECs is out of parity, when in fact it is not out of parity.” DTE Eval. at 306.</p> <p>“VZ-MA has explained persuasively how including loops that are pre-qualified and loops that require manual loop qualification in the measure creates a mis-impression of a lack of parity.” DTE Eval. at 307.</p>	<p>Verizon demonstrated in its application that loops that have not been prequalified are included in the data that go into the percent completed in 6 days measure (PR-3-10), and that as a result the reported results incorrectly appear as though Verizon is providing better service to itself than to CLECs. Application at 24; L/R ¶¶ 100-101; G/C ¶¶ 78-81.</p> <p>In response to complaints about Verizon’s provisioning performance and attempts to rely predominately on PR-3-10, Verizon reiterated in its reply comments that PR-3-10 does not reflect Verizon’s performance, and is skewed, <i>inter alia</i>, by the fact that many CLEC loop orders have not been prequalified. Reply Comments at 8; L/R Reply ¶¶ 61-65; G/C Reply ¶ 10. Drs. Gertner and Bamberger confirmed that the reported results are skewed by CLEC behavior, and that one simple fact</p>

		accounts for about 50 percent of the apparent difference in the percentage of Verizon and CLEC orders completed within 6 days. G/B Reply ¶¶ 21, 23, 24. Verizon also filed in its application all the evidence that was included in the state record.
3. Verizon demonstrated that there was no backlog of orders.		
Verizon testified (and provided supporting proprietary data, DTE No. 3) that VZ reviewed nearly 100 percent of Covad's so-called backlog orders and found that 22 percent had been completed and Covad had given Verizon a serial number; 7 percent had been canceled; 28 percent had been queried back to Covad for errors (they didn't even appear to be MA PONs); and 31 percent came in and are due since the strike. This left less than 1 percent on the backlog. App. B, Tab 520, at 2522 (old numbering).	"Covad acknowledges that it did, indeed, include 'no facilities available' in the category of a VZ-MA caused canceled order, constituting 32.4 percent of the total. Covad also admitted that it erroneously included orders that were canceled because a duplicate order was issued (6.5 percent of the total). Moreover, Covad indicates that eleven percent of the total is attributable to canceled orders due to long loops; eight percent due to trenching; two percent is due to the presence of digital loop carrier; and one percent of the total orders that were canceled is attributable to electronics on the line." DTE Eval. at 302-303.	As described above, Verizon demonstrated in its application that it completes more than 95 percent of DSL loop orders on time. Application at 18; L/R ¶ 96; G/C Att. M; G/C Att. E at 10, 24, 38. Verizon also filed in its application all the evidence that was included in the state record.
B. Loop Quality		
1. Verizon demonstrated that it provides quality loops to CLECs.		
Verizon demonstrated that the overall network trouble report rate for CLECs was very low. App. B, Tab 565, at 5633 (old numbering). Verizon submitted C2C reports demonstrating that this was the case throughout second quarter of 2000. App. B, Tab 537.	"[W]e find that VZ-MA provides nondiscriminatory access to loop installation for xDSL loops." DTE Eval. at 314.	Verizon demonstrated in its application that it was providing loops at a level of quality sufficient to permit competitors a meaningful opportunity to compete. It submitted evidence that, from May through July 2000, the overall network trouble report rate for CLECs was very low under the measurements used in the C2C performance reports. G/C Att. E. Verizon also filed in its application all the evidence that was included in the state record.
Verizon demonstrated that the low network trouble report rate is confirmed by the high incidence of	"According to VZ-MA, a majority, almost 60 percent, of the troubles were closed to NTF codes .	Verizon demonstrated in its application that, in July, more than 80 percent of CLEC repair requests

<p>trouble reports that are closed with No Trouble Found:</p> <p>Verizon submitted data that, from January to March 2000, approximately 50 percent of all CLEC reported troubles were closed with No Trouble Found. App. B, Tab 423, at Checklist Aff. ¶ 253.</p> <p>Verizon submitted data that, in July 2000, the majority (59 percent) of the troubles on DSL loop troubles were closed with No Trouble Found. DTE Eval. Att. F (Response to DTE RR-323); App. B, Tab 494, at Checklist Aff. ¶ 145.</p> <p>Verizon submitted CLEC-specific data demonstrating that, from April to June 2000, the majority of trouble reports submitted by virtually all individual CLECs were closed with No Trouble Found. App. B, Tab 550 (Response to DTE RR 324) (proprietary).</p>	<p>. . It appears from our record that no CLEC is disputing VZ-MA's explanation of the disparity [between wholesale and retail] in numbers of trouble tickets issued (i.e., CLECs accept loops and file trouble tickets immediately thereafter)." DTE Eval. at 311-312.</p>	<p>that were submitted on DSL loops were traced to either problems that should have been revealed during acceptance testing, or were closed with no trouble found. Application at 25-26; L/R ¶¶ 104-105.</p> <p>Verizon again noted this in its Reply Comments. Reply Comments at 12.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p>Verizon demonstrated that 56 percent of the installation troubles submitted by Covad between April 15 and June 15, 2000, resulted in no trouble found. Combined with the fact that Covad submits trouble reports for only a small fraction of its loops, the fact that most of these trouble reports result in no trouble found demonstrates that an even smaller fraction of its loops have actual troubles of any kind. App. B, Tab 494, Checklist Aff. at ¶ 144.</p>	<p>"Covad is incorrect when it states that 'at least 44% of the loops [VZ-MA] delivered to Covad were non-functioning loops.' . . . According to VZ-MA, Covad reported installation troubles within 30 days of an installation (captured by PR-601) during April through June 2000, for [a small, single digit percent] of its completed installations. The figure of 'at least' 44 percent of loops with a found 'trouble' cited by Covad does not represent 44 percent of <u>all</u> loops provisioned to Covad but, rather [a small, single digit percent] of all loops VZ-MA provisioned to Covad during this three month period. This figure is a far cry from 44 percent of the loops delivered by VZ-MA to Covad." DTE Reply at 80.</p> <p>"In its comments to the FCC, Covad dramatically overstates the number of its loops that experience troubles within 30 days of provisioning. The</p>	<p>Verizon demonstrated in its application that, in the case of one major CLEC, 56 percent of repair requests from April 15 to June 15, 2000, were resolved with no trouble found, and 90 percent of the remainder were outside facilities issues that a properly performed acceptance test by the CLEC would have disclosed. Application at 26; L/R ¶ 105.</p> <p>In response to Covad's claim that Verizon's statement constituted an admission that 44 percent of the loops provided to Covad did not work, Verizon noted that its earlier statement that 56 percent of the trouble reports submitted by Covad were closed with no trouble found has no bearing on the percentage of total loops with trouble reports. Verizon demonstrated that, in fact, Covad submits trouble reports for only a small fraction of its loops, and that most of these trouble reports</p>

	accurate number, provided above, is a fraction of the 44 percent it claims and is not indicative of discriminatory behavior by VZ-MA.” DTE Reply at 82-83.	result in no trouble found, which shows that an even smaller fraction of Covad’s loops (in the low single digits) have actual troubles of any kind. Reply Comments at 12 n.11; L/R Reply ¶ 67. Verizon also filed with its application all the evidence that was included in the state record.
<p>2. Verizon demonstrated that the “trouble report within 30 days” results that are reported do not accurately measure Verizon’s performance, but instead reflect CLEC behavior (such as accepting loops that are not suitable for the service they want and filing trouble reports).</p>		
<p>Verizon demonstrated that, in July 2000, more than 75 percent of the 594 loops on which CLECs had reported troubles within 30 days were loops that CLECs had certified as working during joint acceptance testing. App. B, Tab 565, at 5634 (old numbering); DTE Eval. App. F (Response to DTE RR-323).</p> <p>This is consistent with the evidence described above that the majority of CLEC trouble reports resulted in no trouble found.</p>	<p>“VZ-MA reviewed xDSL loop troubles reported in the month of July, which amounted to almost 600 loop troubles. . . . VZ-MA states that the vast majority (one third of the total troubles reported) were closed to cable conditions despite the fact that over 75 percent of these loops had recent acceptance testing (with the serial number provided) by the CLEC. VZ-MA argues its analysis supports its conclusion that CLECs are accepting loops that they should not be accepting. It appears from our record that no CLEC is disputing VZ-MA’s explanation of the disparity in numbers of trouble tickets issued (i.e., CLECs accept loops and file trouble tickets immediately thereafter). DTE Eval at 312.</p>	<p>Verizon demonstrated in its application that CLECs are submitting trouble reports on many loops that they certified as working during acceptance testing. Verizon repeated the results of its study in the state proceeding that, of 594 CLEC trouble reports in July, more than 75 percent had recent acceptance testing and corresponding serial numbers provided by the CLEC. Application at 25-26; L/R ¶ 104 & Att. L.</p> <p>In response to comments relying predominately on measures such as trouble reports within 30 days, Verizon again pointed out that the vast majority of trouble reports submitted by CLECs in July were closed with No Trouble Found. Verizon also submitted results of a study by Drs. Gertner and Bamberger that confirmed that, once trouble reports for which CLECs provided a serial number are excluded, the percentage of CLEC orders with trouble tickets within 30 days is lower than Verizon’s retail trouble report rate. Reply Comments at 12-13; L/R Reply ¶ 66 & Att. F; G/B Reply ¶ 25.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p>∃ Verizon demonstrated that CLECs appeared to be intentionally accepting loops they knew would not</p>	<p>∃ “Our record supports VZ-MA’s contention that CLECs sometimes accept loops they know will not</p>	<p>Verizon demonstrated in its Application that, in July, more than 80 percent of CLEC repair requests</p>

<p>support the service they wish to provide and shortly thereafter submitting trouble tickets on these loops. App. B, Tab 520, at 2553-2555 (old numbering).</p> <p>∃ In response to DTE RR-323, VZ studied 594 DSL loop troubles reported in the month of July and determined that the vast majority of those with trouble found were cable issues that, given they were reported so close to the turn-up date, and considering the extremely high percentage of cable troubles, there is very little likelihood that these types of problems had occurred subsequent to installation. See DTE Eval. at App. F (Response to RR-323).</p>	<p>support the service they intend to offer. . . . the Department does not accord a significant amount of weight to this metric. We will not draw negative performance implications on VZ-MA's part derived from the conduct of some CLECs in playing an angle in the system." DTE Eval. at 313-314.</p> <p>"In questioning VZ-MA's xDSL performance, it appears to the Department that the DOJ is relying upon CLEC allegations that (a) are being made by DTE 99-271 participants for the first time in their FCC comments, or (b) are being made by CLECs that never sought to participate in DTE 99-271. We base our recommendation upon information contained in our record." DTE Reply at 84.</p> <p>∃ "[T]he Department does not agree that a 'trouble' on a loop equals a non-functioning loop, as Covad contends. VZ-MA stated that some CLECs will accept a loop and then open a trouble ticket to have VZ-MA perform work on that loop to meet certain technical specifications (e.g., faster transmission speed)." DTE Reply Eval. at 81.</p>	<p>for DSL loops were traced to problems that should have been revealed during acceptance testing or were closed with no trouble found. Verizon stated that the fact that CLECs are submitting trouble reports within short periods after loops are installed – and after they provide a serial number accepting the loops as working – suggests that CLECs re-accepting loops that are not capable of supporting the loops they wish to provide and then submitting 'repair' orders in an effort to force Verizon to rebuild or replace the loop. Application at 25-26; L/R ¶¶ 103-105.</p> <p>Verizon repeated these facts in its Reply Comments. Reply Comments at 12-13; L/R Reply ¶ 66 & Att. F.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p>∃ CLECs admitted to engaging in this practice:</p> <p>Covad: "The process that Covad experiences, if Bell Atlantic provisions the loop and through Harris testing we discover it has, for example, load coil on it, the way that is dealt with is through a trouble ticket. We have to call and open up a trouble ticket. Bell Atlantic has a commitment to clear a trouble ticket within 24 hours." App. B, Tab 233, at 3247 (new numbering).</p>	<p>∃ "During a technical session last year, several CLECs acknowledged accepting loops that, absent additional work by VZ-MA, could not support xDSL service (i.e., loops with load coils, excessive bridged tap) and then, immediately thereafter, filing trouble tickets to obtain loop conditioning. . . ." DTE Eval. at 313-314.</p> <p>"While we cannot say – with any assurance – why a CLEC would do so, we can say that ascribing the</p>	

<p>Covad reiterated this claim in July 2000: “The only way we can get a redispach on a bad loop is by accepting a bad loop or a loop that we didn’t even get from the RCCC and opening a trouble ticket with the RCMC.” App. B, Tab 462, at Szafraniec/Katzman Decl. ¶ 65.</p> <p>Vitts: Our approach has been the same manner with the trouble report. They have two or three days’ turnaround time repairing those, depending on how many load coils they have and how much work is involved.” App. B, Tab 233, at 3248 (new numbering).</p>	<p>consequence of a CLEC business decision to a purported VZ-MA failure appears unwarranted.” DTE Reply at 81.</p> <p>“The Department cannot and will not guess why Covad would accept a loop that does not support the xDSL service it intends to offer over that loop. VZ-MA has posited that CLECs want to “lock in” a loop, a claim we note no CLEC has challenged.” DTE Reply at 81.</p> <p>“[S]tatements made by Covad’s experts before us contradict the position it has taken before the FCC (i.e., it does not accept loops that would not support the level of xDSL service it intends to offer).” DTE Reply at 83.</p>	
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3. Verizon demonstrated that CLECs submit fewer repeat trouble reports than Verizon.

<p>Under the measurements used in the C2C performance reports, Verizon demonstrated that, in second quarter 2000, CLECs submitted fewer repeat trouble reports than Verizon did for its retail customers. App. B, Tab 423, at Checklist Aff. ¶¶ 144-146; App. B, Tab 446; App. B, Tab 537.</p>	<p>“[W]e note that CLECs submit significantly fewer repeat trouble reports on xDSL loops than does VZ-MA for its retail customers. This metric demonstrates that once CLECs receive loops that are appropriate for xDSL service, they experience fewer problems than VZ-MA.” DTE Eval. at 321.</p>	<p>Verizon demonstrated in its Application that, from May through July 2000, the repeat trouble report for CLECs was lower than for retail. G/C Att. E.</p> <p>In response to criticisms of Verizon’s loop quality performance and attempts to rely predominately on measures such as trouble reports within 30 days, Verizon again stated these facts. Reply Comments at 13; G/C Reply Att. D.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
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C. Maintenance and Repair

1. Verizon demonstrated that it is providing maintenance in a nondiscriminatory manner

<p>Verizon submitted C2C performance data that its missed repair appointment rate in the second quarter 2000 was low. App. B, Tab 446; App. B, Tab 537.</p> <p>Verizon also submitted carrier-specific missed appointment data for April through June 2000 that demonstrates that missed appointment rates for individual CLECs were low. App. B, Tab 550 (Response to DTE RR 324) (proprietary).</p>	<p>“[W]e find that VZ-MA provides maintenance and repair for CLEC xDSL loops in substantially the same time and manner as it does for retail customers.” DTE Eval. at 322</p>	<p>Verizon demonstrated in its Application that the missed repair appointment rate was low and declining, and that, in July 2000, the missed repair appointment rate for CLECs was comparable to the retail rate. G/C Att. E.</p> <p>In response to comments relying predominately on measures such as trouble reports within 30 days, Verizon again noted in its Reply Comments that the missed repair appointment rate for CLECs in July was comparable to the retail rate. Verizon further noted that, in August and September, the rate for CLECs was better than for retail notwithstanding the impact of the August work stoppage. Reply Comments at 14; G/C Reply Att. D.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p>Verizon demonstrated that, in second quarter 2000, CLECs submitted fewer repeat trouble reports than Verizon did for its retail customers. App. B, Tab 423, at Checklist Aff. ¶¶ 144-146; App. B, Tab 537; App. B, Tab 446.</p>	<p>“[W]e note that CLECs submit significantly fewer repeat trouble reports on xDSL loops than does VZ-MA for its retail customers. This metric demonstrates that once CLECs receive loops that are appropriate for xDSL service, they experience fewer problems than VZ-MA.” DTE Eval. at 321.</p>	<p>Verizon demonstrated in its Application that the repeat trouble report for CLECs was lower than for Verizon from May through July. G/C Att. E.</p> <p>In response to criticisms of Verizon’s maintenance and repair performance and attempts to rely predominately on repair interval measures, Verizon again noted in its reply comments that CLECs submit fewer repeat trouble reports for DSL than Verizon’s retail customers. Reply Comments at 13; G/C Reply Att. D.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p>2. Verizon demonstrated that it provides maintenance and repair within non-discriminatory intervals.</p>		
<p>Verizon demonstrated that Verizon’s wholesale and retail maintenance and repair intervals are comparable once numerous adjustments are made to account for the ways in which CLEC behavior affects these intervals. For example, Verizon demonstrated that choosing a Monday appointment</p>	<p>“[W]e find that VZ-MA provides maintenance and repair for CLEC xDSL loops in substantially the same time and manner as it does for retail customers.” DTE Eval. at 322</p>	<p>Verizon filed with its application all the evidence that was included in the state record.</p>

<p>when a Saturday appointment is offered adds 46-48 hours to the interval. DTE Eval. Att. F (Verizon Response to DTE RR 323), at 2. Verizon also demonstrated that a main cause of long repairs for CLECs appeared to be the CLEC's acceptance during the provisioning process of loops that cannot support the CLEC's xDSL service. Id. at 3. Verizon explained that the only solution in these instances is to reassign the loop to a new facility, or, if no spare facilities are available, build new facilities, and that these activities are unlike traditional repair work and require considerable time and effort. Id.</p>		
<p>First, Verizon demonstrated that repair intervals are affected by the fact that CLECs intentionally accept loops that do not support the DSL services they want to provide, which forces Verizon to reconstruct or reprovision the loop. App. B, Tab 520, at 2553-2555 (old numbering); DTE Eval. App. F (Verizon Response to RR 323); App. B, Tab 494, at Checklist Aff. ¶ 139.</p> <p>Verizon noted that individual CLECs admitted to engaging in this practice. App. B, Tab 520, at 2486-2487 (old numbering); App. B, Tab 494, at Checklist Aff. ¶ 139.</p>	<p>"We also find that several of VZ-MA's metrics are affected by the propensity of some CLECs to accept loops they concede are unable to support xDSL service, absent additional work by VZ-MA technicians. . . . Because CLECs are accepting loops that do not support xDSL service, VZ-MA's efforts are much greater than with its retail xDSL service (e.g., involving VZ-MA's construction and engineering crews) and much more time-consuming." DTE Eval. at 320.</p> <p>"Covad fails to make the obvious connection between CLECs accepting loops they know or should know will not support the level of service they intend to offer and what effect that will have on the number of trouble tickets for newly provisioned loops." DTE Reply at 81-82.</p>	<p>As noted above, Verizon demonstrated in its application that, in July, more than 80 percent of CLEC repair requests for DSL loops were traced to problems that should have been revealed during acceptance testing or were closed with no trouble found. Verizon explained that this indicated that CLECs were accepting loops that are not capable of supporting the services they wish to provide and then submitting repair orders. Application at 25-26; L/R ¶¶ 102-105 & Atts. L, M.</p> <p>In response to complaints about Verizon's maintenance and repair performance and attempts to rely predominately on repair interval measures, Verizon noted in its Reply Comments that if repair intervals are adjusted to exclude only those requests that are attributable to situations where Verizon is forced to condition and reprovision a loop that was never capable of supporting DSL service, the reported difference between mean time to repair for wholesale and retail is reduced to only nine hours for July and three hours for September. As noted below, Verizon also demonstrated that when the fact that CLECs frequently decline weekend appointments is taken into account, the difference between Verizon's wholesale and retail performance is reduced to only five hours in July</p>

		and is eliminated in September. Reply Comments at 12, 14-15; L/R Reply ¶¶ 71-72 & Att. F; G/B Reply ¶ 25.
		Verizon also filed with its application all the evidence that was included in the state record.
<p><u>Second</u>, Verizon demonstrated that repair intervals are affected by CLECs failure to accept weekend appointments. This occurs because Verizon does not stop the clock over the weekend so postponing the repair appointment extends the interval. App. B, Tab 494, at Checklist Aff. ¶¶ 135-138; DTE Eval. App. F (Response to RR-323); App. B, Tab 565, at 5633 (old numbering).</p>	<p>“We also find that several of VZ-MA’s metrics are affected by . . . the preference for Monday and not weekend repair appointments.” DTE Eval. at 320.</p> <p>“Other than Rhythms indicating in its FCC comments that it accepts Saturday repair appointments and appointments outside of the standard 9:00 a.m. to 5:00 p.m. period, no CLEC has contested VZ-MA’s assertion that CLEC behavior adversely affects several of its maintenance and repair metrics (e.g., declining Saturday appointments, inability to isolate accurately a source of trouble on a loop, accepting loops that require additional work by VZ-MA technicians).” DTE Reply at 86-87.</p> <p>“While VZ-MA did perform a study of the effect of CLEC-rejected weekend appointments for non-xDSL loops, it undertook the same study for just xDSL loops. . . . It is clear to the Department that this VZ-MA study was of just xDSL, not POTS, loops. Later in its comments, the DOJ questions the accuracy of VZ-MA’s study because ‘CLECs deny that they avoid weekend repair appointments. Rhythms is the only CLEC that has affirmed, albeit in its FCC comments, that it does indeed accept offered weekend repair appointments from VZ-MA. Therefore, we respectfully disagree with the DOJ’s use (in footnote 43 of the DOJ Evaluation) of FCC comments filed by Covad and NAS. . . to question the validity of the VZ-MA study.” DTE Reply at 89-90.</p>	<p>Verizon demonstrated in its application that CLECs frequently choose not to schedule repair appointments at the earliest available date, even though they are offered the same repair intervals (including weekend appointments) as Verizon’s retail customers. Application at 20; L/R ¶¶ 73-75; G/C ¶¶ 103-105.</p> <p>In response to criticisms of Verizon’s maintenance and repair performance and attempts to rely predominately on repair interval measures, Verizon demonstrated that when the propensity of CLECs to decline weekend repair appointments is taken into account, the reported difference for wholesale and retail orders is reduced by an additional four hours. When combined with the effect described above of CLECs accepting loops that do not support xDSL service, this reduces the difference between Verizon’s wholesale and retail performance to only five hours in July and eliminates the difference in September. Reply Comments at 15; L/R Reply ¶ 73.</p> <p>Verizon also filed with its application all the evidence that was included in the state record.</p>
<p><u>Third</u>, Verizon demonstrated that repair intervals are</p>	<p>“VZ-MA’s evidence of having to rely on CLECs to</p>	<p>Verizon demonstrated in its application that CLECs</p>